

32692

Customer Number

PATENT  
Docket No.: 58974US002

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

MICHAEL R. PLUMB, CHRISTINE A.  
BINSFELD and DOYLE T. POTTER

Serial No.: 10/656,089  
Filed: September 5, 2003

For: COUNTING BIOLOGICAL  
AGENTS ON BIOLOGICAL  
GROWTH PLATES

Group Art Unit: 2496

Examiner:

***LATE SUBMISSION OF DECLARATION UNDER 37 CFR 1.53(d)  
AND TRANSMITTAL OF ASSIGNMENT FOR RECORDING***

Mail Stop Missing Parts  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, Virginia 22313-1450

I HEREBY CERTIFY THAT THIS CORRESPONDENCE IS BEING DEPOSITED  
WITH THE UNITED STATES POSTAL SERVICE AS FIRST CLASS MAIL  
IN AN ENVELOPE ADDRESSED TO COMMISSIONER FOR PATENTS,  
P.O. BOX 1450  
ALEXANDRIA, VA 22313-1450 ON

*February 2, 2004*  
SIGNED *Judy L. Hansen*

Dear Sir:

Enclosed herewith is a Declaration and Power of Attorney for the  
above-identified application, along with a copy of the Patent and Trademark Office's  
Notice of December 1, 2003. An assignment to 3M Innovative Properties Company is  
also enclosed.

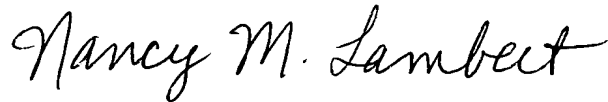
Authorization is hereby provided to charge any fee required in  
connection with this paper, including the \$130.00 fee under 37 CFR 1.16(e) for a  
surcharge for filing this late Declaration, to Deposit Account No. 13-3723. Please also  
charge the fee of \$40.00 for recording of the assignment, which is hereby requested, to  
the same deposit account.

A separate cover letter directed to the Assignment Branch is enclosed to  
which the assignment is attached.

The Filing Receipt received with this Notice needs correction for the order of the inventors as indicated on the Declaration and Power of Attorney filed herewith. The corrections have been marked in red on the enclosed copy. A corrected filing receipt with these corrections would be greatly appreciated.

Having now complied with all of the requirements of 37 CFR 1.53, applicant respectfully requests that this application be placed on the files for examination.

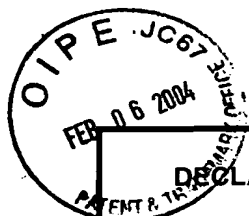
Respectfully submitted,

A handwritten signature in black ink that reads "Nancy M. Lambert". The signature is written in a cursive, flowing style.

Nancy M. Lambert  
Registration No. 44,856  
Attorney for Applicants

NML:jlh/58974US002 Missing Parts  
Office of Intellectual Property Counsel  
3M Innovative Properties Company  
P.O. Box 33427  
St. Paul, Minnesota 55133-3427  
(651) 733-2180  
Facsimile (651) 736-3833

Dated: February 2, 2004



**DECLARATION AND POWER OF ATTORNEY,  
FOR UTILITY OR DESIGN  
PATENT APPLICATION (37 CFR § 1.63)**

☐ Declaration Submitted with Initial Filing      ☒ Declaration Submitted after Initial Filing (surcharge 37 CFR § 1.16(e) required)

Docket No:	58974US002
In re Application of:	Michael R. Plumb, Christine A. Binsfeld and Doyle T. Potter
<b>COMPLETE IF KNOWN</b>	
Application No.:	10/656,089
Filing Date:	September 5, 2003
Art Unit:	
Examiner Name:	

As a below named inventor, I hereby declare that my residence, mailing address, and citizenship are as stated below next to my name, and that I believe I am an original, first, and sole inventor (if only one name is listed below) or an original, first, and joint inventor (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought on the invention entitled:

**COUNTING BIOLOGICAL AGENTS ON BIOLOGICAL GROWTH PLATES**

The specification of which

☐ is attached hereto;

☒ was filed on **September 5, 2003**

As United States Application No.

**10/656,089**

☐ is identified as PCT International Application No.  
filed on

and was amended on (if applicable).

I hereby state that I have reviewed and understand the contents of the above-identified specification, including the claims, as amended by any amendment specifically referred to above.

I acknowledge the duty to disclose information which is material to patentability as defined in 37 CFR § 1.56, including for continuation-in-part applications, material information which became available between the filing date of the prior application and the national or PCT international filing date of the continuation-in-part application.

I hereby claim foreign priority benefits under 35 USC §§ 119(a)-(d) or (f), or 365(b) of any foreign application(s) for patent, inventor's or plant breeder's rights certificate(s), or 365(a) of any PCT international application which designated at least one country other than the United States of America, listed below and have also identified below, by checking the box, any foreign application for patent, inventor's or plant breeder's rights certificate(s), or any PCT international application having a filing date before that of the application on which priority is claimed.

Prior Foreign Application No.	Country	Foreign Filing Date (MM/DD/YYYY)	Priority NOT Claimed	Certified Copy Attached	
				YES	NO
			<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
			<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
			<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

I hereby appoint Practitioners at Customer Number 32692 as my attorneys and/or agents with full powers (including the powers of appointment, substitution, and revocation) to prosecute this application and any division, continuation, continuation-in-part, reexamination, or reissue thereof, and to transact all business in the U.S. Patent and Trademark Office connected therewith.

**Customer Number for  
Practitioner of Record: 32692**

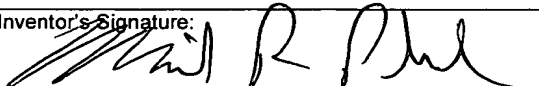
I also appoint the following Practitioners as my attorneys and/or agents with full powers (including the powers of appointment, substitution, and revocation) to prosecute this application and any division, continuation, continuation-in-part, reexamination, or reissue thereof, and to transact all business in the U.S. Patent and Trademark Office connected therewith: Kelly P. Fitzgerald, Registration No. 46,326.

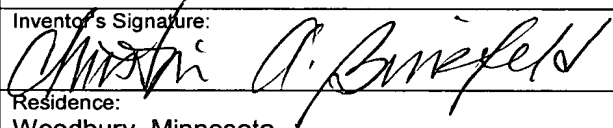
The mailing address and the telephone number of the above-identified attorneys and/or agents are that of Customer No. 32692.

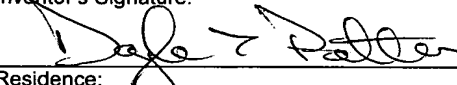
Inquiries regarding this application can be made to:

Attention: Nancy M. Lambert  
Office of Intellectual Property Counsel  
3M Innovative Properties Company  
Telephone No.: (651) 733-2180

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under 18 USC § 1001 and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

<b>NAME OF JOINT INVENTOR, IF ANY:</b>		<input type="checkbox"/> A petition has been filed for this unsigned inventor.	
Given Name (first and middle [if any]): Michael R.		Family Name or Surname: Plumb	
Inventor's Signature: 		Date: 11/19/03	
Residence: White Bear Lake, Minnesota	Country: U.S.A.	Citizenship: United States of America	
Mailing Address: P.O. Box 33427, St. Paul, Minnesota 55133-3427, USA			

<b>NAME OF SOLE OR FIRST INVENTOR:</b>		<input type="checkbox"/> A petition has been filed for this unsigned inventor.	
Given Name (first and middle [if any]): Christine A.		Family Name or Surname: Binsfeld	
Inventor's Signature: 		Date: 11/19/03	
Residence: Woodbury, Minnesota	Country: U.S.A.	Citizenship: United States of America	
Mailing Address: P.O. Box 33427, St. Paul, Minnesota 55133-3427, USA			

<b>NAME OF JOINT INVENTOR, IF ANY:</b>		<input type="checkbox"/> A petition has been filed for this unsigned inventor.	
Given Name (first and middle [if any]): Doyle T.		Family Name or Surname: Potter	
Inventor's Signature: 		Date: 12/2/03	
Residence: White Bear Lake, Minnesota	Country: U.S.A.	Citizenship: United States of America	
Mailing Address: P.O. Box 33427, St. Paul, Minnesota 55133-3427, USA			